

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

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NIPPON SHINYAKU CO., LTD., a )  
Japanese company; )  
Plaintiff, ) CIVIL ACTION NO. 21-1015 (LPS)  
v. )  
SAREPTA THERAPEUTICS, INC., a )  
Delaware corporation )  
Defendant. )

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**PLAINTIFF NIPPON SHINYAKU CO., LTD.'S  
UNOPPOSED MOTION FOR LEAVE TO FILE UNDER SEAL**

Plaintiff Nippon Shinyaku Co., Ltd. (“Nippon Shinyaku” or “Plaintiff”), by and through its undersigned attorney, hereby moves the Court for an Order permitting it to file the instant Motion to Seal and its Opposition to Defendant’s Motion to Dismiss Claims II-III and to Strike Selected Paragraphs of the First Amended Complaint (the “Opposition”) under seal. Counsel for defendant Sarepta Therapeutics, Inc. (“Sarepta” or “Defendant”) has represented that Sarepta does not oppose the instant motion to seal. The grounds for this motion are as follows:

1. The instant action arises out of, in part, [REDACTED]

[REDACTED] Plaintiff and Defendant. Sarepta’s [REDACTED]

[REDACTED] forms the basis for Nippon Shinyaku’s asserted [REDACTED] in its operative Complaint, which is discussed in the Opposition.

2. [REDACTED]

[REDACTED] See D.I. 1-2, [REDACTED]

3. The Opposition [REDACTED]

4. Although Nippon Shinyaku [REDACTED]

5. This Court has the “inherent equitable power to grant confidentiality orders.”

*Pansy v. Borough of Stroudsburg*, 23 F.3d 772, 785-86 (3d Cir. 1994). While there is a “presumption in favor of public accessibility,” the Court has authority to seal documents “when justice so requires,” provided the party requesting sealing demonstrates that the “interest in secrecy outweighs the presumption” of access. *In re Motions for Access of Garlock Sealing Techs. LLC*, 488 B.R. 281, 299–300 (D. Del. 2013) (quoting *LEAP Sys., Inc. v. MoneyTrax, Inc.*, 638 F.3d 216, 221–22 (3d Cir. 2011)). Thus, “courts may deny access to judicial records, for example, where they are sources of business information that might harm a litigant’s competitive standing.” *Littlejohn v. Bic Corp.*, 851 F.2d 673, 678 (3d Cir. 1988) (citing *Nixon v. Warner Comm., Inc.*, 435 U.S. 589, 598 (1978)); *see also* Fed. R. Civ. P. 26(c)(1)(G) (identifying “confidential . . . commercial information” as one category of information that can be protected via court order); *see also* *Mylan Inc. v. SmithKline Beecham Corp.*, 723 F.3d 413, 415 n.3 (3d Cir. 2013) (finding good cause to seal documents “to protect the parties’ confidential proprietary business and competitive interests”). [REDACTED]

[REDACTED] [REDACTED] [REDACTED]  
[REDACTED] [REDACTED].

6. In the instant action, permitting Nippon Shinyaku to file the instant Motion to Seal and its Opposition under seal will preserve the status quo with respect to [REDACTED]

[REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED] [REDACTED]

WHEREFORE, Nippon Shinyaku respectfully requests that the Court issue an order permitting Nippon Shinyaku to file the instant Motion to Seal and its Opposition under seal and for these documents to remain under seal, with redacted versions to be filed in accordance with the D. Del. Local Rules.

Dated: October 8, 2021

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

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